

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

ONLINE RESERVATIONS, LLC,

Plaintiff,

vs

OPENTABLE, INC, a Delaware corporation;
ZAGAT SURVEY, LLC, a Delaware
corporation; GUESTBRIDGE, INC., a Texas
corporation; THE WASHINGTON POST
COMPANY, a Delaware corporation; NAAN
RESTAURANTS, LLC, a Texas Limited
Liability Company,

Defendants.

CASE NO. **2-07CV-303**

Jury Trial Demanded

TJW/CE

COMPLAINT FOR PATENT INFRINGEMENT

Online Reservations, LLC ("Online Reservations") sues OpenTable, Inc., Zagat Survey, LLC, Guestbridge, Inc., The Washington Post Company, and Naan Restaurants, LLC (collectively "Defendants") and, on information and belief, alleges as follows:

Introduction

1 Plaintiff Online Reservations owns the invention described and claimed in United States Patent No. 7,069,228 entitled "Apparatus and Method for an Internet Based Computer Reservation Booking System" (the "'228 patent"). Defendants (a) have used, and continue to use, Plaintiff's patented technology in products and services that they make, use, import, sell, and offer to sell, without Plaintiff's permission; and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the '228 patent. Plaintiff Online Reservations seeks damages for patent infringement and an injunction preventing

Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, the technology claimed by the '228 patent without Plaintiff's permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a).

3. Within this judicial district each of the Defendants has committed acts and continues to commit acts that give rise to this action, including making sales of infringing products and offering for sale infringing products. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

Plaintiff Online Reservations

4. Online Reservations, LLC is a limited liability company existing under and by virtue of the laws of the State of Texas.

Defendants

5. Defendant OpenTable, Inc. ("OpenTable") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in San Francisco, California.

6. Defendant Zagat Survey, LLC ("Zagat") is a limited liability corporation organized and existing under the laws of the State of Delaware, with its principal place of business in New York, New York.

7. Defendant Guestbridge, Inc. ("Guestbridge") is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in Milwaukee, Wisconsin.

8. Defendant The Washington Post Company (“Washington Post”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Washington D.C.

9. Defendant Naan Restaurants, LLC (“Naan”) is a Texas Limited Liability Company with its principal place of business in Plano, Texas.

First Claim for Patent Infringement
(infringement of the ‘228 patent)

10. Plaintiff incorporates by reference each of the allegations in paragraphs 1 through 9 above and further alleges as follows:

11. The United States Patent and Trademark Office issued the ‘228 patent on June 27, 2006. Attached as Exhibit A is what is believed to be a copy of the text of the ‘228 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the ‘228 patent, including all rights to pursue and collect damages for past infringements of the patent.

12. Defendants OpenTable, Zagat, Guestbridge, Washington Post, and Naan have infringed, contributed to the infringement, and induced others to infringe the ‘228 patent and, unless enjoined, will continue to do so, by manufacturing, importing, using, selling, or offering for sale products and services that infringe the claims of the ‘228 patent and by contributing to or inducing others to infringe the claims of the ‘228 patent without a license or permission from Plaintiff.

13. Plaintiff has been damaged by Defendants’ infringement of the ‘228 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the ‘228 patent.

14. The Defendants are and have been willfully infringing one or more claims of the ‘228 patent.

15. Plaintiff is entitled to recover damages from the Defendants to compensate them for the infringement.

16. Plaintiff demands trial by jury of all issues relating to this claim.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '228 patent;
- B. Compensatory damages for Defendants' infringement of the '228 patent;
- C. Treble the compensatory damages as consequence of Defendants' willful infringement;
- D. Costs of suit and attorneys' fees on the basis that this patent infringement case is exceptional;
- E. Pre-judgment interest; and
- F. For such other relief as justice requires.

Dated: July 23, 2007

Respectfully submitted,

By:



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